

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER MAX DAWES,

Defendant.

CR 11-86-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE’S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT’S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 17, 2016. (Doc. 92.) Neither party filed objections. When a party makes no objections, the Court need not review de novo the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1986). This Court will review Judge Johnston’s Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 12, 2016. (Doc. 91.)

Dawes admitted to having violated the conditions of his supervised release by: associating with a person convicted of a felony; failing to participate in substance abuse testing; failing to notify his probation officer prior to a change in residence; failing to follow the instructions of his probation officer; failing to participate in substance abuse testing; using methamphetamine in November 2015; and using methamphetamine in December 2015. (*Id.*) Judge Johnston found the evidence sufficient to establish that Dawes had violated the conditions of his supervised release. (*Id.*)

Judge Johnston recommends this Court revoke Dawes's supervised release. (Doc. 92.) Judge Johnston recommends that the Court sentence Dawes to twelve (12) months imprisonment, with no supervised release to follow. (*Id.*)

Dawes's criminal history category is II, the current violation is a Grade C, and the underlying offense is a Class C felony. The statutory range is a maximum of 24 months. The statutory and guideline term of supervised release is 31 months, less any custody time imposed. The parties stipulated that the United States Sentencing Guideline range for a Grade A violation applied. The appropriate guidelines, therefore, call for 15 to 21 months in custody.

This Court finds no clear error in Judge Johnston's Findings and Recommendations. Dawes's current violation is serious in nature. A sentence of

twelve months imprisonment with no supervised release to follow is sufficient, but not greater than necessary.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 92) is ADOPTED IN FULL. **IT IS FURTHER ORDERED** that Defendant Christopher Max Dawes shall be sentenced to **twelve months imprisonment with no supervised release to follow.**

DATED this 1st day of June, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Brian Morris
United States District Court Judge